

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
)

TO: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys, hereby submits its reply comments on the Petition for Extension of Implementation Deadlines ("Petition") filed by the Cellular Telecommunications Industry Association ("CTIA") on November 24, 1997.¹ AT&T agrees with those commenters that assert that local number portability ("LNP") is essential to the development of local exchange competition. Nevertheless, AT&T believes that CTIA and wireless carriers have properly supported their requests for a short postponement of the wireless LNP rules. These pleadings amply demonstrate that because of technical problems unique to the wireless industry, wireless carriers will not be able to meet the Commission's June 30, 1999 deadline to implement LNP in their networks. Accordingly, AT&T urges the Wireless Telecommunications Bureau ("Bureau") to exercise the authority delegated to it by the Commission to waive or stay the LNP implementation date for nine months.

The few comments filed in opposition to CTIA's petition are unpersuasive. For instance, MCI's assertion that CTIA has failed to provide an adequate justification for its waiver request is

¹ See Public Notice, Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Waiver to Extend the Implementation Deadlines of Wireless Number Portability, CC Docket No. 95-116, DA 97-2579 (rel. Dec. 9, 1997).

unsupported by the evidence. CTIA explained in detail the technical obstacles facing the wireless industry in implementing LNP and attached a declaration attesting to the numerous steps the industry has taken thus far to develop solutions to the myriad of problems. In addition, the comments of many wireless providers in this proceeding offer compelling evidence of their attempts to comply with the Commission's deadline and the technical issues that still remain despite these efforts.² There is no basis for MCI's suggestion that wireless providers are refusing to implement number portability.

Moreover, the Commission explicitly recognized that the technical obstacles facing the wireless industry are much more complicated than those encountered by wireline carriers and, therefore, it delegated authority to the Bureau to "waive or stay the implementation dates for a period of up to nine months."³ As the wireless commenters demonstrate, one of the major technical burdens facing CMRS providers, which is not encountered by landline carriers, is the requirement that wireless carriers support nationwide roaming. Thus, while wireline LNP can be implemented on an area-by-area basis, starting with the top 100 MSAs, "all CMRS carriers and switches must be ready to cut over to number portability 'on line' at the same time."⁴ To accomplish this, every wireless provider, large or small, rural or urban, must upgrade its network to recognize roaming subscribers with a Mobile Station Identifier of a different value than the

² See, e.g., AT&T Comments at 2-4 and attached Declaration of Carol H. Peters; AirTouch Comments at 2-5; GTE Comments at 5-6; 360° Communications Company Comments at 1-2.

³ Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8440-41, ¶ 167 (1996) ("First Report and Order").

⁴ AirTouch Comments at 4. See also Rural Telecommunications Group Comments at n.1 ("[E]ven though the service provider portability requirement only applies to the top 100 MSAs, it affectively [sic] applies to *all* CMRS licensees.")

Mobile Directory Number.⁵ This is not, as MCI would have the Commission believe, a small matter that can be addressed simply by requiring the wireless industry to report on the progress of its facilities upgrades before June 30, 1999. MCI fails to explain how reporting requirements would do anything to speed the process already well underway by wireless carriers of attempting to address the real-world technical problems associated with wireless LNP implementation. The Commission should not mandate an industry-wide flash cut to number portability without first giving CMRS providers an opportunity to establish a long-term LNP solution that works properly for all carriers.

There is also no merit to MCI's doomsday prediction that a nine-month extension "would have significant repercussions throughout the telecommunications industry."⁶ The technical problems raised by CTIA and other carriers in implementing LNP are unique to the wireless industry and, therefore, grant of CTIA's request would not give rise to a flurry of "me-too" waivers by wireline carriers. While AT&T agrees with MCI that number portability is critically important to the development of local exchange competition, a minimal delay to permit wireless carriers to implement nationwide LNP in an orderly and comprehensive fashion would serve, rather than undermine, the public interest.

Nor is there any basis for the other assorted issues raised in opposition to CTIA's request. WorldCom, MCI, and ALTS assert that a brief delay in LNP implementation would contribute to "number exhaustion" in many states but they provide no valid support for this position. While

⁵ Sprint Spectrum, L.P. ("Sprint PCS") adds that national wireless service provider LNP standards must be developed to ensure that services and capabilities involving the calling party number, including E911, will function. Sprint PCS Comments at 2. Until these standards are in place, splitting the MIN will prevent PSAPs from receiving the correct call back number.

⁶ MCI Comments at 4.

wireless carriers cannot participate in number pooling until they are LRN-capable, unlike wireline carriers, the wireless industry currently uses its 10,000-number NXX blocks very efficiently. Therefore, whether or not wireless carriers are part of a state's number pooling regime would have no bearing on how quickly numbers in a particular block are exhausted.

Moreover, contrary to the assertions of WorldCom and MCI, the wireless industry is not opposed to number pooling as a code conservation method. Rather, AT&T and other providers simply seek confirmation that number pooling cannot be implemented without provisions that would permit wireless carriers to obtain full NXX blocks from the same numbering resources available to all carriers until the wireless industry is technically able to participate in pooling. A Commission decision to extend the number portability deadline for CMRS carriers would have no impact on the number exhaustion problems facing the telecommunications industry or on the implementation of number pooling for non-CMRS carriers. In any event, AT&T fully supports current efforts to establish number pooling although it believes that states should not be permitted to use number pooling as an excuse to forgo farsighted relief such as the introduction of new area codes or rate center consolidation.⁷

The Commission should disregard claims of hardship that a delay allegedly would cause to new PCS entrants. Notably, only one PCS provider, Omnipoint, opposes CTIA's request and it acknowledges that as a utilizer of GSM technology it does not face the same technical problems encountered by other cellular and PCS operators. Moreover, Omnipoint's primary concern that wireline carriers may attempt to elude their responsibility to port numbers to all

⁷ See AT&T Wireless Services, Inc. Comments, DA 97-2418 (filed December 1, 1997).

LNP-capable telecommunications carriers is irrelevant to CTIA's petition.⁸ In contrast, PrimeCo Personal Communications, L.P. and Sprint PCS, both PCS providers, urge the Commission to grant the extension. They correctly recognize that, while all CMRS providers' networks must support portability, "compliance with the deadline for most carriers is simply not feasible."⁹

Finally, WorldCom's concern that the wireless industry may seek to delay its payments for LNP costs is misplaced.¹⁰ AT&T fully intends to contribute to LNP costs as directed by the Commission in its upcoming cost recovery order. Similarly, Omnipoint's request for a delay in the application of query charges is baseless, and in all events is outside the scope of this proceeding and should have no bearing on the Commission's decision on CTIA's extension request.

⁸ There is nothing in connection with CTIA's extension request that would preclude Omnipoint from completing its LNP implementation ahead of schedule (if it truly has the ability to do so) and entering into porting relationships with any other LNP-capable carrier. Indeed, the Commission has specifically directed that, by December 31, 1998, "[n]umber portability must be provided in these areas [top 100 MSAs] by all LECs to all telecommunications carriers, *including commercial mobile radio services (CMRS) providers.*" First Report and Order, 11 FCC Rcd at 8355, ¶ 3 (1996) (emphasis added).

⁹ PrimeCo Comments at 3.

¹⁰ See WorldCom Opposition at 6.

CONCLUSION

For the foregoing reasons, the Bureau should grant CTIA's petition requesting a nine-month extension of the Commission's schedule for wireless carriers' implementation of LNP.

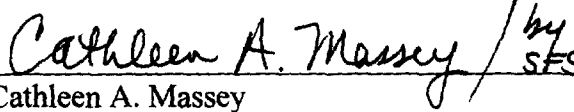
Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Tanya Butler, certify that on this 26th day of January, 1998, a copy of the foregoing "Reply Comments of AT&T Wireless Services, Inc." was served on the following parties by first class postage prepaid mail or messenger (*):


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